

The Senate Committee on Rules offers the following substitute to SR 163:

A RESOLUTION

1 Authorizing each standing committee of the Senate listed in Senate Rule 2-1.3(a) to place
2 witnesses under oath or affirmation when testifying before such committee in regard to
3 legislation which is then in the possession of the committee; additionally authorizing the
4 Senate Rules Committee to place witnesses under oath or affirmation when testifying before
5 such committee in regard to legislation which is eligible for placement on the rules calendar
6 of the Senate; and for other purposes.

7 WHEREAS, the General Assembly of Georgia has both inherent and statutory powers to
8 institute and conduct inquiries in aid of its legislative and government oversight functions,
9 including but not limited to the power to administer oaths to witnesses in the course of such
10 proceedings; and

11 WHEREAS, the right to make lawful inquiries is a right separate and distinct in each
12 chamber of the General Assembly; and

13 WHEREAS, the legislature may proceed to make inquiries within its authority by means of
14 committees of one or both chambers; and

15 WHEREAS, delegating authority to a committee to place witnesses under oath or affirmation
16 when testifying before that committee can be a useful tool for seeking the truth and
17 ascertaining the facts in such inquiries; and

18 WHEREAS, it is fitting and proper that, in aid of their legislative functions, certain Senate
19 committees be authorized to place witnesses under oath or affirmation when testifying before
20 such committees with regard to certain legislation.

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that each standing committee
22 of the Senate listed in Senate Rule 2-1.3(a) is authorized, during the 2015-2016 biennium of
23 the General Assembly, to place witnesses under oath or affirmation when testifying before
24 the committee in regard to legislation which is then in the possession of the committee.

25 BE IT FURTHER RESOLVED that the Senate Rules Committee is additionally authorized,
26 during the 2015-2016 biennium of the General Assembly, to place witnesses under oath or
27 affirmation when testifying before said committee in regard to legislation which is eligible
28 for placement on the rules calendar of the Senate.

29 BE IT FURTHER RESOLVED that the discretion to require that testimony regarding
30 particular legislation be given under oath or affirmation as authorized by this resolution shall
31 lie with the chairperson of the applicable committee; provided, however, that no member of
32 the General Assembly, having taken his or her oath of office as prescribed by law and being
33 subject to Article III, Section IV, Paragraph IX of the Georgia Constitution, shall be placed
34 under oath or affirmation pursuant to this resolution.

35 BE IT FURTHER RESOLVED that the oath or affirmation to be administered shall be as
36 follows:

37 "Do you solemnly swear or affirm that the testimony you shall give to the committee in the
38 matter now pending before the committee shall be the truth, the whole truth, and nothing
39 but the truth?"

40 BE IT FURTHER RESOLVED that any committee taking testimony under oath or
41 affirmation pursuant to this resolution shall do so in consultation with counsel from the
42 Office of Legislative Counsel.

43 BE IT FURTHER RESOLVED that such sworn or affirmed testimony shall be subject to the
44 provisions of Code Section 16-10-71 of the Official Code of Georgia Annotated.